
SENATE BILL No. 399

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-7.

Synopsis: Regulation of lobbyists. Requires lobbyist activity reports to include: (1) expenditures for advertising, mass mailings, publications, or other efforts to inform the general public or urge the general public to take any action to influence any legislative action; and (2) the name and permanent address of each person that contributed or provided at least \$500 for those efforts. Requires a person whose lobbying services are performed without compensation, but who expends at least \$500 in reportable expenditures for lobbying, to file a registration statement. Defines "lobbying" to include communicating by any means to inform the general public or to urge the general public to take any action to influence any legislative action.

Effective: July 1, 2007.

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January 16, 2007, read first time and referred to Committee on Local Government and Elections.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 399

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-7-1-9 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 9. "Lobbying" means
3 communicating by any means, or paying others to communicate by any
4 means:

5 (1) with any legislative official; or

6 (2) to:

7 (A) inform the general public; or

8 (B) urge the general public to take any action;

9 with the purpose of influencing any legislative action.

10 SECTION 2. IC 2-7-2-6 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The provisions of this chapter
12 and IC 2-7-3 are not applicable to any full-time or part-time public
13 official acting in ~~his~~ **the public official's** official capacity or any
14 full-time or part-time public employee in Indiana acting within the
15 scope of ~~his~~ **the public employee's** employment.

16 (b) The provisions of this chapter are not applicable to any
17 newspaper or other periodical of general circulation, book publisher,



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news wire service, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge legislative action if such newspaper, periodical, book publisher, radio or television station, or individual engages in no further or other activities in connection with urging legislative action other than to appear before a committee of the legislature in support of or in opposition to such action.

(c) The provisions of this chapter are not applicable to an individual invited, by any member of the general assembly, to testify before the general assembly or a legislative committee at the time the individual is testifying.

(d) The provisions of this chapter are not applicable to any officer or employee of the state central committee of a political party while acting within the scope of ~~his~~ **the officer's or employee's** employment.

(e) This chapter does not apply to a person whose lobbying services are performed without compensation, **unless the person expends at least five hundred dollars (\$500) in expenditures reportable under this article for lobbying.**

(f) Notwithstanding the definition of "lobbying" as specified in IC 2-7-1-9, in no instance shall the language of this chapter be construed to prohibit in any way free and open communication between any citizen of this state and members of the general assembly.

(g) This article does not apply to:

- (1) an insurance policy;
- (2) a credit card agreement;
- (3) a recorded mortgage secured by real property; or
- (4) a written agreement with a financial institution (as defined in IC 28-1-1-3);

if the insurance policy, credit card, mortgage, or agreement was issued or made in the ordinary course of business.

(h) This article does not apply to compensation paid to the spouse of a legislator for goods or services provided by the spouse in the ordinary course of business to a lobbyist or a lobbyist's employer.

(i) The items to which this article does not apply under subsection (g) or (h) shall not be included in activity reports filed under IC 2-7-3-3.

SECTION 3. IC 2-7-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The activity reports of each lobbyist shall include the following:

- (1) A complete and current statement of the information required

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to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

(2) Total expenditures on lobbying (prorated, if necessary) broken down to include at least the following categories:

(A) Compensation to others who perform lobbying services.

(B) Reimbursement to others who perform lobbying services.

(C) Receptions.

(D) Entertainment, including meals. However, a function to which the entire general assembly is invited is not lobbying under this article.

(E) Gifts made to an employee of the general assembly or a member of the immediate family of an employee of the general assembly.

(F) Advertising, mass mailings, publications, or other efforts to:

(i) inform the general public; or

(ii) urge the general public to take any action;

for the purpose of influencing any legislative action.

(3) A statement of expenditures and gifts that equal one hundred dollars (\$100) or more in one (1) day, or that together total more than five hundred dollars (\$500) during the calendar year, if the expenditures and gifts are made by the registrant or ~~his~~ **the registrant's** agent to benefit:

(A) a member of the general assembly;

(B) an officer of the general assembly;

(C) an employee of the general assembly; or

(D) a member of the immediate family of anyone included in clause (A), (B), or (C).

(4) Whenever a lobbyist makes an expenditure that is for the benefit of all of the members of the general assembly on a given occasion, the total amount expended shall be reported, but the lobbyist shall not prorate the expenditure among each member of the general assembly.

(5) A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within the registration period.

(6) The name of the beneficiary of each expenditure or gift made by the lobbyist or ~~his~~ **the lobbyist's** agent that is required to be reported under subdivision (3).

(7) The name of each member of the general assembly from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5.

(8) For expenditures reported under subdivision (2)(F), the

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name and permanent address of each person that contributed or provided at least five hundred dollars (\$500).

(b) In the second semiannual report, when total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire reporting year.

(c) An amount reported under this section is not required to include the following:

(1) Overhead costs.

(2) Charges for any of the following:

(A) Postage.

(B) Express mail service.

(C) Stationery.

(D) Facsimile transmissions.

(E) Telephone calls.

(3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.

(4) Expenditures for leasing or renting an office.

(5) Expenditures for lodging, meals, and other personal expenses of the lobbyist.

SECTION 4. [EFFECTIVE JULY 1, 2007] (a) IC 2-7-2-6, as amended by this act, applies to registration statements that are first due before January 16, 2008.

(b) IC 2-7-3-3, as amended by this act, applies to lobbyist activity reports that are first due May 31, 2008.

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